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Illinois Commerce Commission
RAIL SAFETY SECTION

October 27, 2003

Honorable June B. Tate
Administrative Law Judge
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago Illinois

Re: Dockets TO3-0019 and TO3-0020

Dear Judge Tate:

This is in response to your letter dated October 17, 2003 regarding the United Transportation Union's Exception to the Proposed Order in the above referenced matter.

The power of the Commission to impose a fine for violations, rather than for failure to comply with an order, is similar to the federal railroad safety laws. See, 625 ILCS 5/18c-1701 and 1704. The Federal Railroad Administration's authority to impose a fine for a violation is set forth in several statutes. See, 49 U.S.C. §§ 20112, 21301, 21303. Similar to 5/18c-1701, a separate violation occurs for each day the noncompliance exists. FRA's policy regarding its enforcement procedures is set forth at 49 C.F.R. Part 209 Appendix A. It is clear that the FRA does not consider it a prerequisite that an order be issued before it can impose a penalty for past violations.

Respectfully Submitted,

Lawrence M. Mann

DOCKETED

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

United Transportation Union-Illinois		:
State Legislative Board		:
	Petitioner	:
		: T03-0019
	v.	: Consolidated with
		:
Iowa Interstate Railroad		: T03-0020
	Respondent	:

NOTICE OF FILING

TO: SERVICE LIST

PLEASE TAKE NOTICE that on this date I have forwarded for filing with the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62071, the attached response to the Administrative Law Judge's Proposed letter dated October 17, 2003 in the above referenced case.

Dated this 27th day of October,
2003

By: _____

Lawrence M. Mann
Attorney for United
Transportation Union

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